

1800-209/nrc

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MATHEW LAWRENCE MOSES, ET ALS

CIVIL NUM: 04-1847 (CC)

Plaintiffs

vs.

DEYA ELEVATOR SERVICES, INC., ET ALS

RE: PERSONAL INJURY,
NEGLIGENCE AND
PRODUCT LIABILITY

Defendants

SETTLEMENT STIPULATION

TO THE HONORABLE COURT:

COME NOW the plaintiffs Mathew Lawrence Moses and Kristin Marie Moses on their own behalf and on behalf of their children Parker Evan Moses, Genevieve Grace Moses and Micah Lawrence Moses and defendants Deya Elevator Services, Inc., Luis A. Torres Deya, Angel E. Herrera Rivera and Universal Insurance Company, through their respective undersigned attorneys and respectfully set forth and pray as follows:

1. On or about August 21, 2003 plaintiffs Mathew Lawrence Moses and Kristin Marie Moses on their own behalf and on behalf of their children Parker Evan Moses, Genevieve Grace Moses and Micah Lawrence Moses, initiated judicial proceedings before this Honorable Court against defendants Deya Elevator Services, Inc., Luis A. Torres Deya,

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Angel E. Herrera Rivera, Universal Insurance Company and others, under Civil Action No. 04-1847(CC).

2. The above identified plaintiffs and defendants now mutually desire to amicably compromise, settle and resolve all outstanding disputes and matters between and among themselves in accordance with the terms hereof in order to avoid further and additional expenditures of time, money and efforts.

3. It is understood and agreed that this settlement is a compromise. The parties further understand and agree that any payment made hereunder is not to be construed in any way as a reflection on the merits of appearing defendants' defenses.

4. In consideration of this agreement, defendant Universal Insurance Company will pay to all plaintiffs the sum of One Million Dollars (\$1,000,000.00) plus the costs accrued up to date in full and complete settlement for all bodily injury, emotional damages, mental anguishes, sufferings and any other type of damages allegedly suffered by all plaintiffs as more fully described in the complaint filed in the captioned matter and as consideration thereof plaintiffs hereby release codefendants Deya Elevator Services, Inc., Luis A. Torres Deya, Angel E. Herrera Rivera and Universal Insurance Company, from all claims stated in the complaint filed herein of any nature whatsoever against said codefendants and their respective affiliates, assigns, divisions, subsidiaries and successors, as well as their respective past and present directors, officers, partners, employees, agents, insurers, consultants and attorneys that were or that could have been raised in this litigation, including known and unknown bodily injury, emotional damages, mental

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anguishes and sufferings or any other type of damages, resulting or which could result from or by reason of the matters described hereinabove and the complaint filed herein.

5. Each of the parties shall bear their attorneys fees.

6. Upon the execution and filing of the settlement stipulation, the parties hereto consent to the entry of judgment in accordance with the terms of said stipulation, said judgment to be with prejudice, firm and final since the day it is entered.

7. It is the intention of the parties in executing this settlement stipulation that it shall be effective as a bar to each and every claim, demand, damage, cost, expense and compensation on account of or in any way growing out of any known and/or unknown bodily injury, mental anguish or suffering and any other type of damages resulting or to result from or by reason of the matters described in paragraph four (4) of this stipulation as more specifically set forth in the complaint filed.

8. Since three of the plaintiffs are minors, plaintiffs will shortly be submitting to the court a verified petition pursuant to Local Rule 41 (b) for judicial approval of the proposed distribution of the settlement proceeds as to the minors plaintiffs.

WHEREFORE, it is respectfully requested that this stipulation be approved and that judgment in accordance with its terms and conditions be entered.

RESPECTFULLY SUBMITTED,

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San Juan, Puerto Rico, October 26 2005.

GUZMAN & STEFFENS
PO BOX 193850
SAN JUAN, PR 00919-3850
PHONE (787) 725-5757
FAX (787) 725-7878
E MAIL: mag@gslawpr.com



MANUEL A. GUZMAN
USDC PR NO. 116712
Attorney for Plaintiffs

LAW OFFICES OF IVAN M. FERNANDEZ
PO BOX 192386
SAN JUAN, PR 00919-2386
☎ (787) 753-1215 / ☎ (787) 759-9313
✉ castillo@lawofimf.com



EDUARDO CASTILLO BLANCO
USDC PR NO. 118405
Attorney for Defendants
Deya Elevator Services Inc.,
Luis A. Torres Deya,
Angel Herrera Rivera and
Universal Insurance Company